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September 5, 2012

Hon. Andrew T. Baxter
U.S. Magistrate Judge
Federal Building and U.S. Courthouse
P.O. Box 7396
Syracuse, NY 13261-7396

Re: UFP Atlantic Division, LLC v. Route 299 Retail Center, LLC, et al.
Case No. 1:12-cv-053 MAD/ATB

Dear Judge Baxter:

This office represents the Plaintiff in the above action, UFP Atlantic Division, LLC.

A scheduling conference was held in this matter on July 17, 2012, during which a briefing schedule was established for Plaintiff's anticipated summary judgment motion. Plaintiff was to file its motion by July 25, 2012, the defendants' responses were to be due August 29, 2012, and Plaintiff's reply was to be due September 7, 2012.

Counsel subsequently agreed to adjourn the briefing dates to permit the parties an opportunity to negotiate a Consent Order. On August 31, 2012, the Plaintiff and the primary defendants (Route 299 Retail Center, LLC, Highland Square Development LLC, Michael Barnett, and Denise Barnett) entered into a Consent Order, pursuant to which the parties stipulated to the entry of a proposed Judgment of Foreclosure and Sale by this Court.

Accordingly, Plaintiff will not be filing its motion for summary judgment against the primary defendants.

Plaintiff may be required to file its motion against one or more of the mechanics lienor defendants, however, depending upon which parties stipulate to the Consent Order. To permit Plaintiff the opportunity to reach agreement with the remaining defendants, I respectfully request that the briefing schedule be adjusted as follows:

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1. Plaintiff's motion is to be filed by September 12, 2012.
2. Defendants' responses are to be filed by October 17, 2012.
3. Plaintiff's reply is to be filed by October 26, 2012.

Thank you for your time and consideration.

Respectfully Submitted,

ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP

A handwritten signature in black ink, appearing to read "Michael W. Deyo". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael W. Deyo (Bar Roll No. 516168)
Attorneys for Plaintiff

cc: via ECF to all counsel